

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 33-40 are pending in the application, with claim 33 being independent. Claims 9-17 and 23-32 are canceled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 33-40 are newly added. Support for the claim additions can be found in the original disclosure. No new matter has been added.

STATEMENT OF SUBSTANCE OF INTERVIEW

Initially, Applicant wishes to thank the Examiner for conducting an interview with Applicant's attorney, David A. Divine, on April 19, 2006.

During the interview, Applicant's attorney pointed out that the April 4, 2006 Office Action could not properly have been made final, since it set forth new grounds of rejection of claims 9-14, which claims were not amended by the previous response. The Examiner agreed that the Office Action should not have been made final, and that the next response (i.e., this response) would be entered without the need to file a Request for Continued Examination.

Also during the interview, several possible new claims were discussed. It was Applicant's attorney's understanding that the Examiner agreed that proposed new claim 33 was patentable over the cited documents. Accordingly, Applicant presents herein new independent claim 33 and dependent claims 34-40, which depend from claim 33. Claims 33-40 are believed to be allowable for the reasons discussed during the interview.

DRAWING OBJECTIONS

In the Office Action, the drawings were objected to for the addition of the three apertures in the center of the retainer body. This objection is respectfully traversed. Nevertheless, without conceding the propriety of the objection, and to expedite allowance of the application, FIGS. 3 and 4 are amended herein to remove the three apertures in the center of the body.

ART REJECTIONS

The Office Action set forth new grounds of rejection as follows:

Claims 9-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,314,160 (Larsen). Claims 17 and 23-25 were rejected under 35 U.S.C. § 103(a) as being obvious over Larsen in view of U.S. Patent No. 4,582,288 (Ruehl). Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious over Larsen in view of U.S. Patent No. 6,095,739 (Albertson et al.). Claims 26-32 were rejected under 35 U.S.C. § 103(a) as being obvious over Larsen and Ruehl in view of U.S. Patent Application Publication No. 2004/0126201 (Kobylinski et al.). These rejections are respectfully traversed. Nevertheless, without conceding the propriety of the rejections, claims 9-17 and 23-32 are canceled herein without prejudice to or disclaimer of the subject matter recited therein, thereby rendering the rejection of those claims moot.

New independent claim 33 is directed to an apparatus for protecting and retaining a wire, and recites:

a first foot portion having at least one aperture therethrough;
a second foot portion having at least two apertures therethrough; and
an interconnecting portion connecting the first foot portion to the second foot portion, wherein the first foot portion, the second foot portion and the interconnecting portion form a passage beneath the interconnecting portion and between the first foot portion and the second foot portion adapted to receive the

wire and retain the wire between the interconnecting portion and a mounting structure, wherein the apertures extending through said first and second foot portions also extend through said interconnecting portion;

a staple for securing the apparatus to the mounting structure, said staple having a first leg and a second leg being spaced from said first leg by a predetermined standard distance, said first leg being received in an aperture of the first foot portion and said second leg being received in an aperture of the second foot portion, wherein the apparatus is adapted to prevent the staple from abutting the wire; and

identifying indicia on said interconnecting portion adjacent to each aperture of said first and second foot portions, said indicia comprising information relating to said predetermined standard distance, so as to indicate the correct aperture placement of said staple within the apparatus in relation to its size.

As discussed during the interview, none of the cited documents discloses such features.

Accordingly, independent claim 33 is allowable over the cited documents.

New dependent claims 34-40 depend from claim 33 and are, therefore, allowable by virtue of this dependency, as well as for the additional features that they recite.

CONCLUSION

For at least the foregoing reasons, claims 33-40 are in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the objections and rejections, and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

Date: June 1, 2006

By: /s/ David A. Divine

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